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APPENDIX DD

Definitions

As used in Military Orders and by Petitioner:

A "guerrilla" is "one of an *irregular independent* band of partisan soldiers". (Webster.) That definition was undoubtedly taken into account in the Philippines in the distinction made between *organized* guerrillas and *independent* ones, and between *"recognized"* organized guerrillas and those who were not so recognized.

A "recognized" military force (period 1942-1945) is one which was organized under a commander who was appointed, designated, or recognized by the Commander-in-Chief, SWPA, General Douglas MacArthur (See Executive Order No. 21 area commanders of military guerrilla forces during the period Par. 6, for definition, Pet. Br. App. X., p. 60b.). This referred to the recognitions by General MacArthur of the area commanders of military guerrilla forces during the period 1942 to 1944. As they became useful for combat duty, when the American liberation forces returned to the islands in 1944, they were brought into the Philippine Army by Executive Order No. 21 and were then recognized as reactivated units into USAFFE by General MacArthur on paper. Actually, they were already in USAFFE by virtue of his prior recognitions. (Pet. Reply Br. pp. 12-19.)

A "recognized" guerrilla (1944 on, whether recognized as an individual, in a unit, or in a force) is one who, upon recommendation and approval of the Commanding General of the Sixth or Eighth Armies of the United States Army, was recognized by President Osmena beginning October, 1944, and thereafter as an authorized element of the Philippine Army from the date of his becoming a member of an organized guerrilla force until his discharge, and who was

thereupon almost immediately recognized as an authorized element of USAFFE (1944 and thereafter) by General MacArthur.

Guerrillas former members of the United States armed forces had to be returned to full military control, and guerrillas who had not been in such forces had to be inducted first into the Philippine Army and then into USAFFE.

There were two rates of pay:

(1) If recognized, the guerrilla inducted received the current rate.

(2) Guerrillas who had not yet returned to USAFFE received the guerrilla grade at the rate of pay and allowances of the Philippine Army.

APPENDIX EE

Organized Guerrillas
Orders and Recognition — General MacArthur — 1942-1943

HEADQUARTERS
USAFFE LUZON GUERRILLA ARMY FORCES

GENERAL ORDER
No. ..... 1: May 15, 1942

1. The undersigned hereby assumes the responsibility of Commanding Officer of all U. S. Guerrilla forces in the island of Luzon and that of personal representative of General Douglas MacArthur, for the conduct of guerrilla operations and incident affairs. This is in accordance with verbal instructions from Gen. MacArthur on January 20, 1942.

2. All guerrilla leaders on the island shall derive their authority to operate from this Headquarters and shall be duly appointed by the undersigned or his representatives having such authority in writing from the Headquarters.

3. Any person or persons operating as guerrilla in the name of the U. S. A. without the required authority in Par. 2, Supra, will be considered as enemy of the U. S. Government.

4. Any person belonging to the armed forces of the U. S. Government entering into such unlawful operations shall be punishable as provided for under the articles of War of the U. S. A.

5. All persons guilty of looting private property, confiscating supplies or otherwise disturbing the peace of civilians unlawfully by misrepresenting themselves as part of the Guerrilla forces of the U. S. A., will be treated as enemies of the U. S.

6. All guerrilla units bearing proper authority to operate as such are authorized to collect arms and equipments belonging to the U. S. Government from persons unlawfully possessing such arms and equipments.

7. All guerrilla units authorized to operate will be directly responsible thru the district and are under the command of this headquarters.

8. Each area and District Commander receiving this order will be responsible that true copies of this order shall be distributed to all leaders.

For GENERAL MACARTHUR:

C. A. *THORP*
Lt. Col., U. S. A.
Guerrilla Representative
USAFFE

[Italics supplied.]

PKIJC VNDN L June 30, 1942 1230Z

Lt. Col. *NAKAR* [Italics supplied.]

The courageous and splendid resistance maintained by you and your command fills me with pride and satisfaction stop it will be my privilege to see that you and your officers and men are properly rewarded at the appropriate time stop my affection and best wishes.

MACARTHUR
Rec'd. July 1, 1942 — 12:45 A.M.

ML
Official:
(Sgd) FERMIN L. OBINA
1st Lieutenant, 14th Inf.
Executive Officer
dt-

TO: WYZ (*PRAEGER*)
NR: 11 January 23, 1943

Request you report present status of guerrilla units in Luzon CMA paren for *Praeger* from MacArthur number eleven part one paren names of leaders and your advice regarding ways and means of developing unified organization stop please pass word to groups you can contact that general policy at this time is to limit hostilities and contact with enemy to minimum amount necessary for safety stop concentrate on perfecting organization and on development of intelligence net reporting promptly enemy dispositions movements and identification of units cma names of superior enemy officers and other military intelligence items stop until adequate supplies and ammunition can be sent which will take some months part two number eleven offensive activities are premature and will only result in increased enemy pressure and probable retalliation against innocent people

stop acting as our intelligence units the various groups can be currently of utmost value stop nothing is surer than our ultimate victory stop I cannot tell just when it will happen but you can be assured that it is inevitable stop keep up your courage and patience stop an Almighty God will guide us to success.

Not Signed (MACARTHUR)

[Italics supplied]

To: 190517 Z RHK/VSA
Rec'd: 20 Jul 47 1230 Philrycom Dist.
From: CINCFE (changed) Action g-3 (RPD)
To: CG Philrycom Info. AG-PERS
G-1
File
Cite: C 54159 (G-3)

Reurad G 17692 GSXRP 9 July Information Requested is:

"February 8, *1943* for WYZ to Kaznr 14S-162 February 6. *Lt. Martin Moses* 016924 and *Arthur Noble* 017780 arrived here this date. They have been organizing guerrilla units in North Luzon past 9 months. They request authority to *induct* equivalent of L Inf. Regt. their guerrilla units heretofore active now inactive in compliance with your instructions. Request dependents (Praeger to MacArthur) be notified."

[Italics supplied]

TO: WYZ (*Praeger*) *February 12, 1943*

No objection to *inducting* equivalent of regiment (for *Praeger from MacArthur*) provided units can be armed and supplied locally sufficiently to render useful service stop at this time impossible to equip and supply from here stop Moses and Noble dependents notified. [Italics supplied]

February 13, 1943

Subject: Directive

To: District Commanders. P. I.

[Delivered by Lt. Comdr. Parsons]

1. It is the intention to progressively establish territorial command areas based on the Military Districts, in force on December 7th, 1940, for the mobilization of the Philippine Army.

2. Lieutenant Colonel *Macario Peralta,* Jr., P.A., is designated Commanding Officer, 6th Military District.

3. Lieutenant Colonel *W. W. Fertig,* C. E., A.U.S., is designated Commanding Officer, 10th Military District.

4. It is directed that there will be maximum co-operation, mutual support and the avoidance of friction between Commanding Officers of Military Districts operating in a common cause.

5. The assignment of command over other Military Districts, will be made from time to time, as conditions warrant.

6. Until otherwise directed, the Commanding Officers of Military Districts will function under direct control of this Headquarters.

7. These command assignments are made on a tentative basis, and may be reviewed upon further information and individual record of performance.

8. The District Commanders, 6th and 10th Districts, will continue to perfect their intelligence nets, in their districts, and establish liaisor with organized forces in adjacent Districts. In order to prevent uneconomic duplication, Colonel Peralta and Fertig will develop a co-operative scheme of operations in the establishment of military intelligence net as follows:

Lieut. Colonel Peralta: 6th, 7th and 8th Districts.

Lieut. Colonel Fertig: 9th and 10th Districts.

9. These intelligence nets constitute at this time the main

mission of our Commanders; their installation and personnel should receive the greatest care; the organization should be based on the P.A. Military District and Provincial Areas therein, utilizing loyal Army and P.C. personnel, if practicable.

Information is generally desired in the following order of priority:

1. Enemy strength and dispositions:
   a. Occupied seaports.
   b. Occupied cities, towns and villages.
2. Enemy identifications: captured documents, etc.
3. Enemy operational air-fields.
   a. Number and type of planes hangars, fuel tanks, etc.
   b. Disposition of guard troops and A/A defenses.
4. Enemy movements, transfer of troops, etc.
5. Enemy naval dispositions.
6. Enemy treatment of civilians.
7. Enemy civil administration.

By command of General MacArthur:

R. K. SUTHERLAND
Major General, U. S. A.
Chief of Staff.

Official:

VAN S. MERLE-SMITH,
Colonel, G.S.C.,
Acting A.C. of S., G-2,

Distribution:

C. O. 6th Military District.
C. O. 10th Military District.
G. H. Q., S. W. P. A.

[All italics supplied]

HEADQUARTERS USFIP OF NORTHERN LUZON
IN THE FIELD

March 21, 1943

Certificate

1. This is to certify that, pursuant to authority granted by and contained in radiogram MacArthur to Moses, Number 20, dated February 14, 1943, I have this date administered Oath of Allegiance to the United States of America to, and announce the promotion of Major Ali Al-Raschid, PA, ASN No. 1444, Infantry, USFIP, to the grade of Lieutenant Colonel, USFIP.

2. The signature of Lieutenant Colonel Ali Al Raschid appears below.

(Signed) Martin Moses
(Typed) MARTIN MOSES
Lieut. Col., Infantry, USFIP
Commanding

Witness:
(Signed) Arthur K. Noble
(Typed) ARTHUR K. NOBLE
Lieut. Col., Infantry, USFIP

(Signed) Ali Al Raschid
(Typed) ALI AL RASCHID
Lieut. Col., Infantry, USFIP

To: *Praeger* [Italics supplied] July 19, 1943
From: MacArthur
NR: 12 (2 Parts)

Enlistments authorized to maintain C troop twenty sixth Cav at strength one hundred with original ratings using serial numbers one nought six four seven nought seven nought to one nought six four seven one seven nought RPT one nought six four seven nought seven nought to one nought six four seven one seven nought INCL PD enlist in Army of United States PA maintain record names CMA serial numbers and date enlistment but omit radio report thereof PD twenty RPT twenty sergeants authorized espionage EM PD appropriate grades authorized APAYAO CO PD promote deserving ATCD EM to appropriate NCO grades own organizations PD as specialist ratings now abolished use appropriate grades throughout increasing number to include former ratings.

RADIO MESSAGE RECEIVED — TUT
NR — 40

Time: 5:45 PM *August 28, 1943*

To: *Col. Kangleon*

To *Col. Kangleon from Gen. MacArthur* quote . . . The progress that has been made your leadership in maintaining law and order in area of Ninth Military Dist. has been noted with great satisfaction. When decision to reactivate the Ninth Military Dist. HQ. has been reached, your fine efforts will be given full consideration (Part two) in appointing its commander. *Until the time that I shall return and require active support* you will continue to quietly organize and give protection and encouragement to the people. Maintain a mobile defense but you should exercise every precaution to avoid every employment of your force. (Part three) That would tend to disturb the present quiescent state of

enemy activity within *Samar and Leyte.* I shall make every effort to forward supplies requested in your memorandum to *Comdr. Parsons.* The unswerving and stead-fast devotion of the good people of Leyte and Samar to the principles and ideals to which we all owe common (Part four) allegiance maintained in spite of existing adversities of which I am full conscious and which commands my deep admiration and is an inspiration for all oppressed peoples everywhere. End.

GEN. MACARTHUR

[Italics supplied]

GENERAL HEADQUARTERS
SOUTHWEST PACIFIC AREA

Subject: Appointment October 21, 1943

To: *Major Ismael Inginiero,* P.A.

1. This will confirm your appointment by me as *Commander, BOHOL* Area Command, embracing all loyal forces on the Island of BOHOL.

2. I desire that you establish and maintain direct communication with this headquarters at your earliest opportunity and that thereafter you keep me informed of major developments involving enemy movement, dispositions and other activity within your area and observation.

3. *This letter will be presented to you by an officer representing me who will, at the same time, hand you signal operating and cryptographic instructions under seal, and outline to you my general policies with respect to the future exercise of the command to which I have appointed you.* He will further arrange for delivery to you of signal equipment, ordnance, medical and other supplies of which your command is in urgent need and discuss with you my plans for future supply.

4. I desire that in your area the immediate future be de-

dicated to quiet organization and intelligence activity, exercising all possible precautions against unnecessarily provoking the reinforcement of enemy garrisons and retaliations upon the people. You will, as far as possible, *harmonize your acts as military commander with my other commanders in the Philippine area, whose identities will be made known to you by my representative*, to the end that all may work in cooperative effort toward the common goal, and you will reinforce and safeguard the integrity of the loyal civil government functioning in BOHOL and work in complete harmony and co-operation therewith.

5. Needless to say, the success of your mission will depend in large measure upon farsighted and aggressive leadership on your part and the maintenance of absolute secrecy surrounding your dispositions and the interchange of communication with this headquarters.

6. In the discharge of your responsibilities of command, do no hesitate to call upon me at any time for counsel and direction.

(Signed) Douglas MacArthur
(Typed) DOUGLAS MACARTHUR,
General, U. S. Army
Commander in Chief.

[Italics supplied]

APPENDIX FF

Recognized Guerrillas — General MacArthur [1]

Allied Intelligence Bureau, G-2, GHQ, SWPA.

a. AIB was organized *6 July 1942* to train, equip, and dispatch agents for the procurement of intelligence in the Southwest Pacific Area, thru clandestine operations behind the enemy lines. It was established under the terms of a directive agreed to by the United States, the Commonwealth of Australia, and the Netherlands East Indies. As an inter-Allied agency, AIB's costs were shared equally, agents were centrally trained, and parties were equipped and dispatched with the combined means at the disposal of the Allies. The trilateral nature of the organization was evidenced by the geographical subdivisions initially established for the operations of AIB's combined field intelligence. Chiefly to accommodate pre-war political sovereignties, the SWPA theater was divided into the North East Area (east of the east boundary of the SWPA), the Netherlands East Indies Area, and the Philippine Archipelago Area. This division took cognizance of the fact that the paramount interests were, respectively, Australian, Dutch, and American.

b. From its beginning, AIB began planning for Philippine intelligence penetration. As a result of GHQ's desire to retain a direct and personal relationship with Philippine planning and operations, a special Philippine Sub-section of AIB was formally set up on *21 October 1942*. A directive stated the section's mission and the methods it should use.

(1) MISSION-To:

a. Reestablish a net for military intelligence and secret service throughout the Islands.

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[1] Unpublished historical summary of recognition program of Philippine guerrillas, Philippine Command, United States Army.

b. Establish a chain of communication, both local and to Australia.

c. Establish an eventual "escape route" to serve those it is desired to evacuate in the interest of future planning, etc.

d. Develop an organization for covert subversive activities and propaganda for use at the appropriate time.

(2) METHOD-To inaugurate operations through:

a. The medium of an initial picked reconnaissance party, which shall be transported to the Islands by air or submarine.

b. The formation of and penetration by successive parties organized and operated on the basis of the findings of the "Preliminary Party."

The Preliminary Party shall consist of *Capt. J. A. Villamor,* leader, and two or three very carefully chosen men whose task will involve the most covert type of survey operations, to:

a. Locate and contact certain individuals known, or strongly considered to be loyal and desirous of giving assistance, immediate or eventual.

b. Establish through these the regiments of the *intelligence* net, which shall be formulated upon the "cell" system for the mutual protection of Capt. Villamor and party against possible betrayal, and of loyal assistants in the Islands against betrayal by unfortunate contacts.

c. Determine means of obtaining such essentials as: aviation fuel, food, small boats, small boat supplies, passes and identifications, etc., for subsequent parties.

d. Locate radio equipment and listening stations.

e. Locate Bureaux of Posts and old Philippine Army transmitters and their operating frequencies.

f. Obtain general information on: Japanese political intentions, military intentions, civil intentions, military strength, dispositions, quality, equipment, morale, etc., and Japanese operations of future significance.

g. Arrange the channel through which this information is to be passed for compilation by Capt. Villamor.

h. Establish a portable radio transmitter for contacting Darwin on matters of arranging transportation rendezvous only.

i. Establish *Capt. Villamor's assistant agents* in suitable location of maximum value consistent with security.

j. Return Capt. Villamor to Australia with full report and recommendation for future parties.

c. AIB had no jurisdiction over guerrillas in the matter of recognition; as stated in 4, above, recognized guerrilla groups were under the direct control of GHQ, SWPA. However, AIB as GHQ's "mouth-piece" did inform guerrilla leaders of specific intelligence missions assigned to them. For instance, when *Col. Fertig* was appointed commander of the 10th MD (Mindanao) in February 1943, the 9th MD (Leyte-Samar) was also assigned to him for intelligence purposes, with the understanding that a commander would be appointed to that district as soon as sufficient information regarding local leadership was available to justify an appointment. *Fertig's* instructions directed him to perfect his organization on *Mindanao* and then to develop his intelligence net there and in the *Leyte-Samar area.*

d. Penetration parties sent to the Philippines under the auspices of AIB were:

Personnel	Date	Area Landed
Maj. J. A. Villamor 1st Lt. R. C. Ignacio 2nd Lt. E. F. Quinto 2d Lt. D. O. Yuhico Sgt. P. Jorge Sgt. D. Malic	*27 Dec. 42*	*Negros*
Lt. Comdr. C. Parsons Lt. Col. C. M. Smith Pvt. E. S. Catalina Pvt. H. H. Bairulla Pvt. S. H. Bairulla	14 Feb. 43	Mindanao (Parsons also made a side trip to Leyte and Panaon Island)

Personnel	Date	Area Landed
Lt. T. Crespo Sgt. O. Alfabeto Pvt. A. Lajahasan Pvt. M. Lajahasan	12 Apr. 43	Panay
Capt. J. A. Hamner Lt. Frank Young Pvt. S. M. Aliacbar Pvt. J. H. Lajahasan Pvt. L. B. Nastail	27 May 43	Mindanao (Hamner and Young went on to Tawi Tawi)
Lt. I. O. Ames Sgt. J. J. Ramos Sgt. F. R. Gingobiagon	31 Jul. 43	Panay

e. Lt. Comdr. Charles Parsons ably served first with AIB and as chief of its supply service. He was instrumental in developing naval support by the 7th Fleet and later served with PRS. * * * [Philippine Regional Section.]

* * * * * * *

II. **The Philippine Regional Section**

a. The Philippine Regional Section (PRS) was established 16 Apr. 1943, in an AIB organization of which one objective was "to emphasize responsibility of the regional sections.' Accordingly, three geographical subdivisions of Section C (see Ia above) were redesignated as the Northeast Regional Section, the NEI Regional Section, *and the Philippine Regional Section.* Mission of the Section remained unchanged, but the time was ripe for great expansion of its activities, which would require specialized operational control. The attention of G-2 was heavily oriented toward the active Japanese fronts. Col. Whitney, a pre-war resident of Manila, formerly an officer in the Air Corps, resigned to develop an important law practice in Manila. Col. (later Gen-

eral) Courtney Whitney assumed the direction of PRS on 24 May 1943; the section's responsibility underwent a marked change. Although nominally a part of AIB, and still depending largely on AIB for procurement and supply functions, PRS achieved a semi-independent status, reporting direct to the Chief of Staff, but coordinating through G-2. General Whitney's service and administration were of the highest order and achievement.

PRS was in charge of Philippine intelligence activities during the peak year, July 1943/June 1944. During the same period, G-2 carried on its own specialized participation in Philippine affairs—preparation of staff studies for planning and orientation purposes, compilation of a Philippine Intelligence Guide for agents and guerrillas, and dissemination to interested staff sections of daily, weekly, and monthly publications containing evaluated operational information obtained from guerrilla intelligence reports.

By mid-1944 the scope and scale of Philippine activities had expanded to the point that closer participation by staff sections was desirable in order to secure proper coordination with other SWPA operations. An order effecting the dissolution of PRS as it was then organized was issued on GHQ Staff Memo No. 18, dated 2 June 1944. Under this order PRS was split into the Philippines Special Section of G-3, GHQ and the Philippine Special Section of G-4, GHQ. Direction of guerrilla activities and movements of intelligence personnel passed to G-3; intelligence matters were more closely supervised by G-2; and supply became the responsibility of G-4. Col. Whitney, whose talent, energy and ability were recognized, was retained as the active head of PRS, although he was assigned specifically to G-3. PRS activities continued on an ever-increasing scale until the time immediately preceding the invasion of Leyte.

[Italics supplied.]

APPENDIX GG

Miscellaneous Orders of Retroactive Recognition of Organized Guerrillas December 1944 — November 1945

(See also Pet. Br. App. Y, p. 61b)

HEADQUARTERS SIXTH ARMY
OFFICE OF THE COMMANDING GENERAL
APO 442

December 20, 1944

Subject: Official Recognition of Guerrillas.

To: Commander-in-Chief, South West Pacific Area, APO 500.

1. Request that a directive be published clarifying the policy to be followed in extending official recognition to guerrilla units.

2. It is understood that to date no guerrilla forces on LUZON have been officially recognized by this Theater.

3. *Guerrilla groups on MINDANAO, LEYTE and PANAY have been extended such recognition with consequent emolument in rank and pay.* It is believed that unless some similar recognition is extended to a certain group or groups on LUZON it may cause resentment and handicap the unification of the guerrilla forces there. [Italics supplied.]

For the Commanding General:

(Signed) G. H. Decker
(Typed) G. H. DECKER,
Brigadier General, G.S.C.,
Chief of Staff

BASIC: Ltr. C.G. 6th Army to Cin C SWPA, 20 Dec. 44, subj.. Official Recognition of Guerrillas.
AG 370.64 (20 Dec. 44)C 1st Ind.

GENERAL HEADQUARTERS
SOUTHWEST PACIFIC AREA
APO 500

December 27, 1944

To: Commanding General, SIXTH U. S. Army, APO 442

1. The formal recognition of guerrilla units operating in LUZON presents a very different problem than that prevailing on major Islands to the South. Such action in the South resulted from an entirely different military situation than has existed under enemy occupation in LUZON. Thus vast areas, never under the physical occupation and control of the enemy in MINDANAO, PANAY and NEGROS, for example, *permitted the organization and arming of regularized military forces and their commitment to guerrilla warfare,* military intelligence and other interior activity under the direction of this Headquarters.

2. This was not possible in LUZON due to the widespread garrisoning of the area by vastly greater enemy occupying forces. As a consequence the resistance movement in LUZON has been confined to the classic type of underground operations in which an entire population, with little exception, has participated with patriotic fervor. These operations have extended into every center of enemy activity and have resulted in providing information in most precise and detailed form on enemy dispositions throughout the Island.

3. It is anticipated that this great patriotic movement among the people of LUZON will reach its maximum strength and utility after the battle for LUZON has been joined and it is the desire of the Commander-in-Chief that it be utilized to maximum advantage.

4. *The service, past and future, of unsurrendered, escaped or released members of USAFFE, will certainly ultimately be recognized on* the merits of each case, as will the service of civilian patriotic secret societies, groups and individuals, but *it is desired that for the purpose of the campaign the movement in so far as practicable be treated and directed as a sponstaneous patriotic effort on the part of the whole people.*

By command of GENERAL MACARTHUR:

(Signed) B. M. Fitch
(Typed) B. M. FITCH
Brigadier General, U. S. Army
Adjutant General

[Italics supplied.]

HEADQUARTERS
WESTERN VISAYAN TASK FORCE
APO 321

December 29, 1944

Subject: Recognition of Guerrilla Leader on Mindoro.
To: Commanding General, Eighth Army, APO 442.

1. Reference is made to Annex 9 to FO 33, Hq, Sixth Army, dated 20 Nov. 1944. Under provisions of the above, Commander, Western Visayan Task Force, is authorized to utilize existing guerrilla forces to conduct certain tactical operations. However, no specific authority is granted to recognize or temporarily appoint a guerrilla leader nor is provision made to issue to guerrilla forces such weapons as may be required for the conduct of assigned missions.

2. I have found two factions of guerrillas in Mindoro. A group commanded by Major *Ruffy*, PC, has been operating in the northeastern portion of the island. This group is regarded highly by all inhabitants. Major Ruffy, former Constabulary Inspector at Mindoro, is highly respected for his honesty and trustworthiness. Small detachments under

Colonel Peralta's command in Panay have been operating around the San Jose area. These detachments have not been overly popular with the inhabitants. As a result of previous clash between these two forces they are at present operating within their own defined zones of actions. My investigations indicate that Major Ruffy's force is the most capable and trustworthy of the two factions and I believe there could be no better course of action than to appoint Major Ruffy in command of guerrilla forces on Mindoro. However, I have made no announcement or statement as to present or eventual appointment of a guerrilla leader on this island.

3. It is my desire to utilize to the maximum all guerrilla forces on this island. In order to do this efficiently, control of guerrilla forces should be contralized under one dependable leader; arms and ammunition should be made available to equipment his forces as required, and a specific policy be adopted as to their military status in order that pay may be effected on some definite basis.

4. It is therefore requested:

a. *That I be authorized to appoint Major Ramon Ruffy,* 01128 PC (USAFFE) *as commander of guerrilla forces in Mindoro.*

b. *That I be authorized to requisition arms to issue to guerrilla forces, or I be directed to a specific source for immediate requisition and supply of weapons needed.*

c. That I be given a definite policy as to the payment of guerrilla forces that I employ on tactical missions.

5. Please advise at the earliest practicable date the action to be taken on the above question. [Italics supplied.]

W. C. DUNCKEL,
Brig. Gen. USA,
Commanding.

Subject: Recognition of Guerrilla Leader on Mindoro.
AG 370.65 (d)
(29 Dec. 44) 1st Ind

HEADQUARTERS EIGHT ARMY
UNITED STATES ARMY, APO 343

To: Commander-in-Chief, General Headquarters, Southwest Pacific Area, APO 500.

The recommendations of General Dunckel are approved. The present situation of MINDORO makes it desireable to recognize immediately Major Ramon Ruffy in order that supplies may be requisitioned, that the guerrilla troops be paid, and that law and order on the island be safe-guarded.

R. L. EICHELBERGER,
Lieutenant General, United States Army, Commanding.

Certified True Copy:
DOUGLAS C. MURRAY
Major Infantry
(10 Oct. 47)

Note: Major Ruffy, previously recognized, was again recognized, *on paper*.

AG 370.64 (29 Dec. 44)C 2nd Ind

GENERAL HEADQUARTERS
SOUTHWEST PACIFIC AREA
APO 500

January 25, 1945

To: Commanding General, EIGHTH US Army, APO 343.

1. The recognition of the guerrilla forces on MINDORO and their employment as such by the Commanding General,

Western VISAYAN Task Force is not favorably considered.

2. Following established policy, however, there is no objection to the calling upon Major Ruffy and any other officers and men on the island who are in the *Philippine Army, Philippine Scouts or Philippine Constabulary for such active service as may be required of them.* [Italics supplied.]

By command of General MacArthur:

B. M. Fitch
Brigadier General, U. S. Army,
Adjutant General.

Subject: Recognition of Guerrilla Leader on Mindoro.
AG 370.64 (d) (29 Dec. 44) 3d Ind.

HEADQUARTERS
EIGHTH ARMY, U. S. ARMY, APO 343

To: Commander-in-Chief, Southwest Pacific Area, APO 500.

1. Request clarification of 2nd Indorsement.

2. Paragraph 3 a (3), GHQ Operations Instructions No. 74, dated 13 October 1944, directs Commanding General, Sixth Army, to "assume control of and direct the operations of the PHILIPPINE Forces in MINDORO." Operations Instructions No. 82, dated 17 December 1944, directs Eighth Army to assume duties and missions assigned to Sixth Army by Operations Instructions Nos. 74 and 80.

3. GHQ Staff study GEORGE states that the Army Commander of the designated Task Force Commander shall assume control of and direct operations of all *guerrilla forces* and friendly groups in operations in the Philippines. Paragraph 2, 2d Indorsement, apparently limits the personnel which can be employed to members *of the Philippine Army, Philippine Scouts, or Philippine Constabulary.*

4. The references cited above appear to conflict with paragraph 2, 2d Indorsement. Request clarification as to the policy

to be followed in MINDORO and in other areas under jurisdiction of Eighth Army.

For the Commanding General:

C. E. BYERS,
Brigadier General, General Staff Corps, Chief of Staff.

HEADQUARTERS
UNITED STATES ARMY FORCES IN THE FAR EAST

APO 501
April 24, 1945

FEGA (PA) 370.64

Subject: Recognition of Guerrilla Forces.
To: The Commanding General, United States Army Services of Supply, APO 707.

1. It has come to the attention of this headquarters that United States Army units formerly attached to or under the control of the Commanding General, Sixth Army, have utilized personnel of guerrilla units during that period. Subsequently the above mentioned United States Army units have been attached to your headquarters and have retained the guerrilla personnel in their service.

2. The Commanding General, Sixth Army, is charged with the control of all guerrilla forces on Luzon, and the Commanding General, Eighth Army, with the control of all others. Therefore it is desired that you submit a report to the Army commander concerned containing the following information:

a. Designation of guerrilla units utilized by United States Army units under your control. *Those units which in your opinion warrant recommendation for recognition by the Commander-in-Chief as authorized elements of United States Army Forces in the Far East should be indicated.*

[Italics supplied.]

b. Rosters of all personnel designated under 2a above.

c. Inclusive dates that the guerrilla unit was actually attached to or employed by United States Army units under your control.

3. Individuals now attached to or in the service of United States Army Service of Supply units who are United States Army Forces in the Far East personnel but who are not members of guerrilla units recommended for recognition, will be furnished transportation to the nearest Philippine Army Replacement Battalion for processing. *Guerrilla personnel of units designated under par. 2a above and not recommended for recognition, and who do not belong to the Armed Forces of the Armed Forces of the United States will revert to civilian status.* When paid, the rate of pay for those reverting to civilian status will not exceed rates set for the Philippine Army. [Italics supplied.]

4. In instances where services of personnel of a guerrilla unit recommended for recognition are no longer required, such personnel will be quartered and rationed by the United States Army unit until action is taken by this headquarters on the recommendation for recognition. When action is taken by this headquarters recognizing the recommended guerrilla unit, the United States Army unit to which it has been attached will take action to dispose of the guerrilla personnel of the recognized unit in accordance with the provisions of letter, Headquarters, USAFFE, File FEGA 370.64, dated 8 April 1945, Subject: "Relief from Active Duty or Discharge of Guerrilla Personnel," copy attached.

5. Inclosed for your information is copy of letter to the Commanding General, Sixth and Eighth Armies, Subject: "Recognition of Guerrilla Forces."

By command of General MacArthur:

JAMES A. CALLENDER
Capt. A. G. D.
Asst. Adj. General

2 Incls.
As indicated

GENERAL HEADQUARTERS
UNITED STATES ARMY FORCES, PACIFIC

AG 323.361 (1 Nov. 45) DSSO APO 500
November 1, 1945

Subject: Matters Pertaining to the Philippine Army
To: Commanding General, United States Army Forces, Western Pacific, APO 707

1. Effective 5 November 1945 you are charged with the responsibility for, and authorized to act on, all United States Army matters pertaining to this Philippine Army and the Philippine Commonwealth Government. The following tasks are included among these matters:

a. Execution of Philippine Army demobilization plans as set forth in the revised Plan for Demobilization of Philippine Army, attached.

b. Preparation and conclusion of arrangements for the release of units to be turned over to the Philippine Government on 30 June 1946. In this connection you will be guided by policies set forth in the revised Plan for Post-War Philippine Army, attached.

c. Arrangements of details in connection with the enlistment of Philippine Army personnel in the Philippine Scouts under the 50,000 Scout project now being developed by the War Department.

d. Recognition of additional guerrilla units or individuals for the purpose of entitling them to benefits for service rendered.

e. Handling of finance matters pertaining to the Philippine Army. In this connection, authority is being delegated to you by separate communication to approve the allocation of funds from United States appropriations for use by the Philippine Army.

2. In order to assist you in the accomplishment of the above tasks, orders will be issued without delay to transfer to your

command such personnel of the *Philippine Army Section, United States Army Forces,* Pacific as you may desire, and the United States Army Training Group.

[Italics supplied.]

3. Action is also being initiated to transfer to you authority to make final determinations under the Missing Persons Act, in cases involving personnel of the Philippine Army. When this action is completed, it is contemplated that the Recovered Personnel Division, Adjutant General Section this headquarters and the Recovered Personnel Detachment, United States Army Forces, Pacific will be transferred to your command.

By command of GENERAL MACARTHUR:

B. M. FITCH,
Brigadier General, U. S. Army,
Adjutant General

2 incls:
Incl 1-Revised Plan for demobilization of P.A.
Incl 2-Revised Plan for Post-War Philippine Army

Note:

In the process of the Luzon operations, Sixth Army recovered and utilized the services of some 150 guerrilla units representing approximately 75,000 officers and men. Under Executive Order No. 21, issued by the President of the Philippines on 23 October 1944, these guerrilla units could have no status as units of the Philippine Army unless formally recognized by the Commander-in-Chief. To expedite such recognition the following instructions were issued by Commanding General, Advanced Detachment, USAFFE, to Commanding General, Sixth Army, on *16 February, 1945* (Msg Cen NR UAD X 62592):

"It is desired as rapidly as practicable to induct into the Philippine Army those Guerrilla elements who have

been or are being employed or whom you believe it is desirable to employ in support of our combat operations on Luzor. *They may be inducted into service as groups or individually as you deem expedient . . .*"

[Italics supplied.]

HEADQUARTERS SIXTH ARMY

Office of the Assistant Chief of Staff, G-2
Special Intelligence Sub-Section
APO 442

370.64-B May 16, 1945
Subject: Recognition of Guerrilla Units

To: Commanding Officer
Rizal Guerrilla Group
c/o Headquarters, 43d Infantry Division
APO 43.

1. The following guerrilla units are recognized by the Commander-in-Chief, Southwest Pacific Area, *as authorized elements of the United States Army Forces in the Far East,* effective as of the date specified after each unit listed:

Yay Regiment, Marking's Fil-Americans:

Hq 2d Bn	13 Mar. 45
Hq 3d Bn	13 Mar. 45
Cos D, H, M	13 Mar. 45

* * * * * * *

2. Under the provisions of Executive Order No. 21, by the President of the Commonwealth of the Philippines, dated 28 October, 1944, the status of members of these units is that of officers and enlisted men of the Philippine Army.

3. When there is no further immediate need for the employment of these units in combat, arrangement will be

made for their transportation to one of the following points for reorganization and equipment by Philippine Army agencies:

Camp Calasiao, Pangasinan
Camp Olivas, Pampanga
Camp Murphy, Rizal

(Signed) W. W. Sturart,
(Typed) W. W. STURART,
Captain, CAC,
Asst. AC of S, G-2.

[Italics supplied.]

APPENDIX HH

"Sovereignty" of Philippines 1934-1946 under the Philippine Independence Act of 1934

Powers retained by the United States to July 4, 1946 (Mandatory Provisions)	Powers granted Commonwealth Government 1934 to July 4, 1946
(1) All citizens of the Philippine Islands owe allegiance to the United States.	(1) The Commonwealth is permitted to adopt a Constitution, subject to the mandatory provisions of the Independence Act.
(2) Every officer of the Commonwealth shall take and subscribe oath of office declaring that he recognizes and accepts the supreme authority and will maintain true faith and allegiance to the United States.	(2) The Commonwealth is permitted to elect a legislature and officers under the supervision of the Governor General.

(3) Religious tolerance is secured.

(4) Property owned by the United States, religious properties, etc., are exempt from taxation.

(5) Trade relations with the United States are to remain, except as to sugar, cocoanut oil and hard fibers, with quota exemptions, and then duties are to be paid on the balance. (See (5), other column.)

(6) Public debt of the Philippine Islands may not exceed limits now or hereafter fixed by the Congress of the United States and no foreign loans may be made without the approval of the President of the United States.

(7) Provision is made for adequate public schools, to be conducted in the English language primarily.

(8) All acts affecting coinage, imports, exports and im-

(3) The Commonwealth is given "autonomy" in local affairs consistent with the Constitution, subject to its mandatory provisions.

(4) Philippine citizens who previously had been nationals of the United States but not citizens are treated as aliens for purposes of immigration and naturalization and may become citizens of the United States in limited numbers.

(5) Filipinos shall pay customs duties to the United States on sugar, cocoanut oil and hard fibers, exported to the United States in quantities in excess of fixed quotas.

(6) All existing debts and obligations of the Philippine Government and its instrumentalities are to be assumed and paid by the new government.

migration become law only upon the approval of the President of the United States.

(9) Foreign affairs are under the direct supervision and control of the United States.

(10) All acts of the Commonwealth Legislature must be reported to the Congress of the United States.

(11) The United States has the right to expropriate property for public uses, to maintain armed forces in the Philippines and to call into the service of such armed forces all military forces organized by the Commonwealth.

(12) All decisions of the courts of the Commonwealth are subject to review by the Supreme Court of the United States.

(13) The United States, by Presidential proclamation, has the right to intervene to preserve the government of the Philippines and to maintain law and order, to protect life, property and individual liberty.

(14) The authority of the United States High Commissioner is recognized.

(15) Civil rights of citizens

and corporations of the United States are recognized to be equal to those of Filipinos.

(16) The Constitution of the Commonwealth had to be submitted to the President of the United States for a determination as to whether it conformed with the Independence Act.

(17) The elections of officers were under the supervision of the Governor General of the Philippine Islands, named by the President of the United States.

(18) Laws then in force, or to be enacted, continued in force in the Commonwealth until altered, amended or appealed by the Legislature of the Commonwealth or the Congress of the United States.

(19) The High Commissioner has access to all records of the government.

(20) The President of the United States has authority to suspend the taking effect of the operation of any law, contract or executive order of the Commonwealth respecting its obligations, currency or possible interference with international relations of the United States.

(21) Every duly adopted amendment to the Constitution of the Commonwealth shall be submitted to the President of the United States for approval.

The continued sovereignty of the United States over the Philippines from 1934 to 1946 cannot be questioned, despite their being given a modicum of experimental independence during that period. The virtually complete sovereignty of the United States, until July 4, 1946, is best illustrated by the fact that, while Manuel Quezon was elected President and Sergio Osmena Vice President, under the Constitution of the Commonwealth, on November 15, 1935, under Section (5) of Article VII, this provision was amended with the approval of the President of the United States to extend the term from six years to eight, and, as the eight-year term was about the expire, on November 14, 1943, the Congress of the United States, by Joint Resolution, notwithstanding the Constitution of the Commonwealth, continued them in office. Quezon died August 1, 1944, and Osmena took the oath of office as President of the Commonwealth, thus pursuant to an Act of the Congress of the United States, at Washington, D. C., on August 1, 1944. He then became Commander-in-Chief of the Philippine Army by reason of an Act of the Congress of the United States, not by reason of the Constitution of Commonwealth of the Philippines.

APPENDIX II

U. S. Army in World War II

The Fall of the Philippines, (Excerpts in addition to those in App. S. Pet. Br. p. 24 (b) et seq.)
Morton,
Page 88.

"Thus, after one day of war, with its strength cut in half, the Far East Air Force had been eliminated as an effective fighting force . . . The conclusion of the Joint Congressional Committee which investigated the Pearl Harbor attack, that it was the greatest military disaster in American history, is equally applicable to the Philippines."

Page 583.

"But the Pacific fleet, which was to have fought its way through to them by that time, never arrived. The fate of the Philippine garrison had been decided on the opening day of the war, at Pearl Harbor."

Pages 462-463.

"Regretfully General Wainwright wrote to MacArthur:

'At 6 o'clock this morning *General King . . . without my knowledge or approval sent a flag of truce to the Japanese commander.* The minute I heard of it I disapproved of his action and directed that there would be no surrender. I was informed it was too late to make any change, that the action had already been taken . . . Physical exhaustion and sickness due to a long period of insufficient food is the real cause of this terrible disaster. When I get word what terms have been arranged I will advise you.'

"For General King, Wainwright had no criticism. 'It has never been and is not my intention to reflect upon General King,' he later told MacArthur, 'as the decision which he was forced to make required unusual courage and strength of character.' Soon he would be forced to make the same decision."

Page 562.

"Unlike *General King, who had been forced to violate his instructions* and keep from his superior any knowledge of his decision to surrender the Luzon force, Wainwright was able to make his decision unhindered by restrictions from higher headquarters. He had not always had this freedom of action.

Until 9 April he had been bound, as had General MacArthur before him, by President Roosevelt's order "to fight as long as there remains any possibility of resistance."

Morton, Page 562 (contd)

On that day, the day of General King's surrender, *the President modified this order and gave General Wainwright full authority to act on his own judgment.*

"*General MacArthur had given contrary instructions,* and his failure to transmit these instructions to Wainwright was in effect a "non-concurrence" of the President's message, which remained on his desk." (Page 563.)

[All italics supplied.]

Cebu

Page 502.

Perhaps the most interesting feature of the preparations for the defense of the Visayas was the program known as Operation *Baus Au,* Visayan for "Get it Back." Initiated by General Chynoweth during his tenure as the commander of the Panay garrison and then adopted on Cebu, Operation *Baus Au* was the large-scale movement of goods, supplies, and weapons into the interior for use later in *guerrilla warfare.*

Page 579.

Of all the island commanders none was better prepared for guerrilla operations than the Panay commander, Colonel Christie. * * *

Colonel Christie persisted in refusing to accept Sharp's order, arguing, first, that it was unnecessary, second, that it would have an adverse effect on the civil population, and third, *that he doubted the authority of either General Wainwright or General Sharp to order his surrender.* He felt that to comply with Sharp's directions would "tend toward treason," and questioned whether the surrender of one island meant the automatic surrender of others. "I strongly urge you," he told General Sharp, "to have the approval of the

War Department through MacArthur," adding that he intended to consult his immediate commander, General Chynoweth. He closed his message with a plea. "In this delicate situation please do not issue me any peremptory orders that will embarrass or get us into mutual conflict . . . ."

Page 580-81.

. . . That night Colonel Christie informed General Sharp that he had talked with Thayer and had decided "to comply faithfully with your orders for the surrender of my division." Two days later he marched his troops to the Japanese lines. *By that time approximately 90 percent of his men had vanished into the hills or gone back to their homes.*"

[Italics supplied.]